

[PATRIOT RENEWABLES]

October 7, 2008

Massachusetts Department of Energy Resources
100 Cambridge Street
Boston, MA 02110-1313

Re: Comments of Patriot Renewables Regarding Feasibility of Compliance with Import Provisions of the Green Communities Act.

Dear Sirs:

Patriot Renewables (“Patriot”) hereby offers reply comments upon the “feasibility” of compliance with the Provision of Section 105 of the Green Communities Act, pursuant to the request for comments provided the Department. Patriot Renewables is a Massachusetts based on/offshore wind farm developer. As set forth below, Patriot strongly believes that, contrary to the arguments of out-of-state interests, compliance with, Section 105(c) regarding the commitment of capacity to serve the rate payers of NEPOOL, and Section 105(e) regarding the netting of imports and exports to rest assure net benefit, is entirely feasible and in the public interest.

With respect to the import of energy and capacity of external intermittent units, the market rules and manuals of ISO-NE provides a clear set of procedures which are entirely workable to any party that actively oversees and manages its assets. The basic obligation of participating in the day-ahead markets is readily manageable and by no means prohibits participation by intermittent resources. Section 105(c) merely assures that external units participating in the Massachusetts RPS initiative provide a degree of reliability benefits to NEPOOL, and thus to Massachusetts ratepayers. In any event, these provisions are more permissive than those of our neighboring control area programs, including New York and Quebec.

The provisions of Section 105(e) similarly would not prohibit RPS implementation. The legitimate concern addressed by the legislature was that any party receiving the benefits of the Massachusetts RPS should provide a net increase in the amounts of renewable energy consumed within this control area. Such provision would preclude, for example, “back-to-back” and “green wash” transactions, where the net impact of renewable imports to New England within a dispatch day is offset by exports of system power from New England, which exports would typically result in the dispatch of incremental amounts of fossil generation within New England. To the extent that the Department wishes to avoid excess reporting burdens, it could craft its regulations

to exclude exports conducted by trading-desk affiliates for the account of third parties, or allow compliance by self-certification, with resort to data only in the event of compliance inquiries.

In conclusion, the Legislature has carefully considered the relevant issues and has determined that the substantive provisions of Section 105(c) and Section 105(e) are required and in the public interest, subject only to the Department's determination of feasibility. The Department should thus not entertain attempts to reopen the underlying debate in a way that questions the Legislature's policy conclusion. The Department should implement such provisions as soon as possible.

Sincerely,

Stephen Walton
Patriot Renewables
549 South St
PO Box 692396
Quincy, MA 02269-2396